

**RESOLUTION NO. 2020-\_\_****A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, CONFIRMING THE SPECIAL ASSESSMENTS IN CONNECTION WITH A WATER MAIN EXTENSION FROM 58<sup>TH</sup> AVENUE TO 34<sup>TH</sup> STREET, INCLUDING 58<sup>TH</sup> COURT AND 34<sup>TH</sup> LANE WITHIN SHADOW BROOK SUBDIVISION AND CERTAIN SPECIALLY BENEFITED PROPERTIES ABUTTING 34<sup>TH</sup> STREET, 58<sup>TH</sup> COURT AND 34<sup>TH</sup> LANE, LOCATED WITHIN UNINCORPORATED, INDIAN RIVER COUNTY, FLORIDA; AND PROVIDING FOR SPECIAL ASSESSMENT LIENS TO BE MADE OF RECORD.**

WHEREAS, the Board of County Commissioners of Indian River County ("Board") has, by Resolution No. **2020-091** adopted on October 20, 2020, determined to make special assessments against certain properties to be specially benefited and serviced by a water main extension ("Assessment Project") from 58<sup>th</sup> Avenue to 34<sup>th</sup> Street, including 58<sup>th</sup> Court and 34<sup>th</sup> Lane within Shadow Brook Subdivision and certain specially benefited properties abutting 34<sup>th</sup> Street, 58<sup>th</sup> Court and 34<sup>th</sup> Lane, located within unincorporated, Indian River County, Florida ("the Assessment Area"); and

WHEREAS, Resolution No. **2020-091** described the method of assessing the cost of the Assessment Project against the specially benefited properties in the Assessment Area and how the special assessments imposed on the specially benefited properties in the Assessment Area are to be paid; and

WHEREAS, Resolution No. **2020-091** was published in the Indian River Press Journal on November 17, 2020, as required by Section 206.04, Indian River County Code; and

WHEREAS, Resolution No. **2020-092**, adopted by the Board on October 20, 2020, set a time and place for a public hearing at which the owners of the specially benefited properties in the Assessment Area to be assessed for the Assessment Project and other interested persons would have the chance to be heard as to the propriety and advisability of making the improvements, if not already made, the cost thereof, the manner of payment therefor and the amount to be assessed against each property, and for the Board to act as required by Section 206.07, Indian River County Code; and

WHEREAS, notice of the time and place of the public hearing was published in the Indian River Press Journal on November 17, 2020 and on December 1, 2020 (at least twice, one week apart; the last being at least one week prior to the hearing), as required by Section 206.06, Indian River County Code; and

WHEREAS, the land owners of record were mailed notices on October 20, 2020 (at least ten days prior to the hearing), as required by Section 206.06, Indian River County Code; and

WHEREAS, the Board, on Tuesday, December 8, 2020, at 9:05 a.m. (or as soon thereafter as the public hearing was heard) conducted the public hearing with regard to the special assessments;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, as follows:

1. The foregoing recitals are affirmed and ratified in their entirety.
2. The special assessments imposed for the Assessment Project against the specially benefited properties in the Assessment Area shown on the assessment roll attached hereto as Exhibit "A" and incorporated herein by this reference are hereby confirmed and approved, and shall remain legal, valid, and binding first liens upon and against the specially benefited properties shown on attached Exhibit "A" until paid in full. The special assessments for the Assessment Project shall constitute a lien against the specially assessed property in the Assessment Area equal in rank and dignity with the liens of all state, county, district or municipal taxes, and other non-ad valorem assessments. Except as otherwise provided by law, such special assessment lien shall be superior in dignity to all other liens, titles and claims, until paid. The special assessment lien shall be deemed perfected upon adoption by the Board of this Resolution and recordation of this Resolution in the Official Records of the County maintained by the Clerk of Indian River County. Such recordation shall constitute prima facie evidence of the validity of the special assessments imposed for the Assessment Project in the Assessment Area.
3. The special assessment imposed per parcel is in the amount of **\$8,400.00**, and shall be due and payable and may be paid in full without interest within 90 days after the date of the passage of the as-built resolution by the Board. The as-built resolution occurs after completion of the improvements. If not paid in full within the 90-day period from the passage of the as-built resolution, then the special assessment may be paid in ten equal yearly installments of principal plus interest; said interest rate to be determined by the Board when the improvements are completed.
4. The Board hereby finds and determines that the special assessments imposed in accordance with this Resolution and Resolution Nos. **2020-091** and **2020-092** provide an equitable method of funding the construction of the Assessment Project based upon the current uses, sizes, zoning and development potential of the parcels which are equally benefited by the provision of water, and thus the allocation of the assessment will be equal per parcel as described in Resolution No. **2020-091**. The Board hereby finds and determines that the properties assessed by this Resolution will receive special benefits equal to or greater than the cost of the special assessment.

The resolution was moved for adoption by Commissioner \_\_\_\_\_, and the motion was seconded by Commissioner \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

Chairman Joseph E. Flescher	_____
Vice Chairman Peter D. O'Bryan	_____
Commissioner Susan Adams	_____
Commissioner Laura Moss	_____
Commissioner Joe Earman	_____

The Chairman thereupon declared the resolution duly passed and adopted this 8th day of December, 2020.

Attest: Jeffrey R. Smith, Clerk of  
Court and Comptroller

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Joseph E. Flescher, Chairman

Approved as to form and legal sufficiency:

By: \_\_\_\_\_  
Dylan Reingold, County Attorney

INDIAN RIVER COUNTY – DEPARTMENT OF UTILITY SERVICES  
 SHADOW BROOK SUBDIVISION - PROPOSED WATER ASSESSMENT PROJECT  
 ASSESSMENT ROLL – RESOLUTION 3

Exhibit A



<b>Parcel #</b>	32393200010000000008.0	Assessment=	\$8,400.00
<b>Owner</b>	WILLOBY, JAMES ANDREW		
<b>Secondary Owner</b>	WILLOBY, ALISA		
<b>Mailing Address</b>	5835 34TH STREET		
	VERO BEACH FL 32966		
<b>Legal</b>	SHADOW BROOK SUBDIVISION LOT 8 & TRACT A PBI 9-17		
			Date Revised
<b>Site Address</b>	5835 34TH ST		11/20/2020
<b>Parcel #</b>	32393200010000000009.0	Assessment=	\$8,400.00
<b>Owner</b>	LEWIS, JESSE E		
<b>Secondary Owner</b>			
<b>Mailing Address</b>	5845 34TH ST		
	VERO BEACH FL 32966		
<b>Legal</b>	SHADOW BROOK SUBDIVISION LOT 9 PBI 9-17		
			Date Revised
<b>Site Address</b>	5845 34TH ST		11/20/2020
<b>Parcel #</b>	32393200010000000010.0	Assessment=	\$8,400.00
<b>Owner</b>	GADD, WILLIAM G & DOROTHY R		
<b>Secondary Owner</b>			
<b>Mailing Address</b>	5855 34TH ST		
	VERO BEACH FL 32966		
<b>Legal</b>	SHADOW BROOK SUBDIVISION PBI 9-17 LOT 10 LESS AND EXCEPT THE FOLLOWING: BEG AT A POINT ON THE N LINE OF LOT 10 AND 107.64 FT W OF THE NE COR OF LOT 10; TH RUN S 49 DEG 28 MIN 09 SEC W A DIS OF 76.18 FT TO THE E LINE OF SAID LOT 11 TH RUN N ALONG THE E LINE A DIS OF 40 FT TH RUN N 68 DEG 13 MIN 29 SEC E A DIS OF 24.47 FT TO THE N LINE OF LOT 11		
	TH RUN E ALONG THE N LINE OF LOT 10 A DIS OF 35 FT TO THE POB		
			Date Revised
<b>Site Address</b>	5855 34TH ST		11/20/2020



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<b>Parcel #</b>	32393200010000000014.0	Assessment=	\$8,400.00
<b>Owner</b>	YOUNG, THOMAS R & JULIANA K		
<b>Secondary Owner</b>			
<b>Mailing Address</b>	5865 34TH LN		
	VERO BEACH FL 32966		
<b>Legal</b>	SHADOW BROOK SUBDIVISION SHADOW BROOK SUB PBI 9-17 LOT 14 LESS PARCEL DESC		
	IN OR BK 560 PP 2181		
<b>Site Address</b>	5865 34TH LN		Date Revised 11/20/2020
<b>Parcel #</b>	32393200010000000014.1	Assessment=	\$8,400.00
<b>Owner</b>	TAYLOR, JANICE L		
<b>Secondary Owner</b>	WEBER, ROBERT B		
<b>Mailing Address</b>	2617 NE 11TH CT		
	FORT LAUDERDALE FL 33304		
<b>Legal</b>	SHADOW BROOK SUB PBI 9-17 THAT PART OF LOT 15 DESC AS FOLLS: BEG AT THE NW COR OF SAID LOT 15; TH RUN E ALONG THE N LINE A DIST OF 42.48 FT; TH WITH A DEFLECTED ANGLE OF		
	45 DEG 56 MIN 10 SEC TO THE R IGH T RUN A DIST OF 316.75 FEET; TH RUN ALONG THE ARC OF A CURVE, BEING CONCAVE TO THE SE, HAVING A RAD OF 40 FT, A DIST OF 99.31 FT; FEET, TH RUN ALONG THE ARC OF		
	TH RUN SW'LY TO THE SW COROF SAID LOT 15 A DIST OF 193.90 FT; TH RUN N ALONG THE W LINE OF LOT 15 A DIST O F 265.00 FT TO THE POB; TOG WITH THAT PART OF LOT 14 BEING MORE PART DESC AS FOLLS:		
	BEG AT THE NW COR OF LOT 14, SHADOW BROOK SUB; TH RUN S ALONG THE W LINE OFS AID LOT 14 A DIST OF 13.00 FT TH WITHA DEFLECTED ANGLE OF 88 DEG 57 MIN 55 SE C TO THE LEFT RUN 206.58 FT		
	TO A PT ON ACURVE HAVING A RAD OF 40 FT AND CONCAVETO THE NE; TH RUN ALONG THE ARC OF SAID CURVE A DIST OF 31.00 FT TO THE NE COROF SAID LOT 14; TH RUN W ALONG THE N LINE OF LOT 14 A DIST OF 193.90 FT TO THE P OB."		
<b>Site Address</b>	5870 34TH LN		Date Revised 11/20/2020
<b>Parcel #</b>	32393200010000000015.0	Assessment=	\$8,400.00
<b>Owner</b>	MEDLOCK, JAMES E & KATHY B		
<b>Secondary Owner</b>			
<b>Mailing Address</b>	5860 34TH LN		
	VERO BEACH FL 32966		
<b>Legal</b>	SHADOW BROOK SUBDIVISION SHADOW BROOK SUB PBI 9-17 LOT 15 LESS PARCEL DESC		
	IN OR BK 560 PP 2186 & W 24.43 FT OF LOT 16		
<b>Site Address</b>	5860 34TH LN		Date Revised 11/20/2020

INDIAN RIVER COUNTY – DEPARTMENT OF UTILITY SERVICES  
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<b>Parcel #</b>	32393200010000000016.0	Assessment=	\$8,400.00
<b>Owner</b>	5850 34TH LN, LLC		
<b>Secondary Owner</b>			
<b>Mailing Address</b>	925 12TH STREET		
	VERO BEACH FL 32960		
<b>Legal</b>	SHADOW BROOK SUBDIVISION LOT 16 LESS W 24.43 FT PBI 9-17		
			Date Revised
<b>Site Address</b>	5850 34TH LN		11/20/2020
<b>Parcel #</b>	32393200010000000017.0	Assessment=	\$8,400.00
<b>Owner</b>	LOPEZ, AMILCAR & SUSAN		
<b>Secondary Owner</b>			
<b>Mailing Address</b>	5840 34TH LN		
	VERO BEACH FL 32966		
<b>Legal</b>	SHADOW BROOK SUBDIVISION LOT 17 PBI 9-17		
			Date Revised
<b>Site Address</b>	5840 34TH LN		11/20/2020
<b>Parcel #</b>	32393200010000000020.0	Assessment=	\$8,400.00
<b>Owner</b>	TODD, RICHARD C JR		
<b>Secondary Owner</b>			
<b>Mailing Address</b>	9696 MIDDLE FORD RD		
	BLOWING ROCK NC 28605		
<b>Legal</b>	SHADOW BROOK SUBDIVISION LOT 20 PBI 9-17		
			Date Revised
<b>Site Address</b>	3426 58TH CT		11/20/2020

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Exhibit A



<b>Parcel #</b>	32393200010000000022.0	Assessment=	\$8,400.00
<b>Owner</b>	MCCORMICK, FRANK G & MAUREEN M		
<b>Secondary Owner</b>			
<b>Mailing Address</b>	5845 34TH LN		
	VERO BEACH FL 32966		
<b>Legal</b>	SHADOW BROOK SUBDIVISION LOT 22 PBI 9-17		
			Date Revised
<b>Site Address</b>	5845 34TH LN		11/20/2020
<b>Parcel #</b>	32393200010000000023.0	Assessment=	\$8,400.00
<b>Owner</b>	THOREN, MARC R & BARBARA		
<b>Secondary Owner</b>			
<b>Mailing Address</b>	3425 58TH CT		
	VERO BEACH FL 32966		
<b>Legal</b>	SHADOW BROOK SUBDIVISION LOT 23 PBI 9-17		
			Date Revised
<b>Site Address</b>	3425 58TH CT		11/20/2020
<b>Parcel #</b>	32393200010000000024.0	Assessment=	\$8,400.00
<b>Owner</b>	THELK, LOUIS J (TR) & WINIFRED B (TR)		
<b>Secondary Owner</b>			
<b>Mailing Address</b>	PO BOX 2914		
	VERO BEACH FL 32961		
<b>Legal</b>	SHADOW BROOK SUBDIVISION LOT 24 PBI 9-17		
			Date Revised
<b>Site Address</b>	5850 34TH ST		11/20/2020